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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,645	01/18/2002	Guy J. Labelle	38488.0200	8725

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SNELL & WILMER  
ONE ARIZONA CENTER  
400 EAST VAN BUREN  
PHOENIX, AZ 850040001

EXAMINER
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KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/051,645

**Applicant(s)**

LABELLE ET AL.

**Examiner**

Alexander Kalinowski

**Art Unit**

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-34 are presented for examination. The Examiner withdraws the grounds of rejection of claims 1-34 based on Applicant's arguments and amendments. However, new grounds of rejection of claims 1-34 are established in the instant office action as set forth below.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the InsureMarket web site does not disclose contracting with insurance companies to sell the companies' insurance policies in accordance with the policy information. The Examiner disagrees. The InsureMarket reference clearly shows that the web site discloses policy options offered by different carriers to customers ("How InsureMarket Works" Web page). Furthermore, the customer may select a particular policy by selecting "view/buy this policy ". Moreover, the system allows the customer to apply for a particular policy by completing a secure application. Finally the system allows the customer to select a purchase screen for the selected policy in order to complete purchase requirements. In fact, the description refers to "InsureMarket's bullet-proof security for your payment information ..." clearly discloses that the purchase transaction is handled through the InsureMarket web site. Therefore, Applicant's arguments directed to the InsureMarket publication are non persuasive.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 11-13, 15-21, 23-31, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over information available from the web site of InsureMarket (hereinafter InsureMarket) in view of Hele et al., Pub No. 2002/0111835 (hereinafter Hele)

As to claim 1, InsureMarket discloses A network-based method for facilitating the dispensing of insurance (Quicken InsureMarket Home Page), the method being configured to:

receive policy information from a plurality of insurance companies, the policy information including at least insurance rates and underwriting guidelines (Quotes and Purchasing Page and How InsureMarket Works);

contract with insurance companies to sell the companies' insurance policies in accordance with the policy information (How InsureMarket works);

receive data via the network from a customer, the data including at least identification of the desired type of insurance and parameters applicable to the underwriting guidelines (i.e. purchase policies)(Quicken InsureMarket Home Page and );

Art Unit: 3626

provide to the customer via the network, insurance rates for insurance policies from a plurality of competing insurance companies, the insurance company offering each policy being identified ((Quotes and Purchasing Page) ;

receive from the customer via the network instructions to purchase an insurance policy (i.e. purchase policies)(Quicken InsureMarket Home Page);

receive a payment or a promise to pay (i.e. purchase screen)(How InsureMarket Works)

InsureMarket does not explicitly disclose

facilitate the electronic distribution of proof of coverage to the location of the customer.

However, Hele discloses facilitate the electronic distribution of proof of coverage to the location of the customer(Fig. 3, units 72 and 74, paragraphs 49, 52, and 63). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include facilitate the electronic distribution of proof of coverage to the location of the customer as disclosed by Hele within InsureMarket for the motivation of providing processing and underwriting of new applications for insurance over the Internet (paragraph 25).

As to claim 2, InsureMarket discloses The method according to Claim 1 wherein:  
the network is the Internet (Quicken InsureMarket Home Page);  
the data is input directly by the customer into a computer accessed by the customer (How InsureMarket works);  
the instructions to purchase the insurance policy are input directly by the customer into a computer accessed by the customer(How InsureMarket works);

Art Unit: 3626

the payment or promise to pay is received via the Internet and input directly by the customer into a computer accessed by the customer(How InsureMarket works).

InsureMarket does not explicitly disclose the electronic distribution includes printing at the location of the customer, via a printer accessed by the customer, a document providing proof of coverage.

However, Hele discloses providing a hardcopy of an electronic document via a printer (paragraph 132). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Hele within InsureMarket for the motivation of providing a hardcopy receipt of the transaction/agreement undertaken by the user (paragraph 132).

As to claim 3. InsureMarket does not explicitly disclose The system according to Claim 2:

the method being further configured to receive customers from insurance agents.

However, Hele discloses the method being further configured to receive customers from insurance agents (paragraphs 27, 42). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method being further configured to receive customers from insurance agents as disclosed by Hele within InsureMarket for the motivation stated in claim 1.

InsureMarket and Hele do not explicitly disclose

the insurance agents performing advertising; and

the advertising including at least registering with at least one search engine.

Art Unit: 3626

However, the Examiner takes official notice that it was well known in the electronic advertising arts to advertise registering with a search engine. The motivation would have been to obtain payment for services rendered. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the insurance agents performing advertising; and the advertising including at least registering with at least one search engine within InsureMarket and Hele for the motivation stated above.

As to claim 6, InsureMarket discloses The method according to Claim 2, the policy information being received via the Internet (Quicken InsureMarket Home Page).

As to claim 7, InsureMarket discloses The method according to Claim 6, the contracting with insurance companies being via the Internet (How InsureMarket works).

As to claim 11, InsureMarket discloses The method according to Claim 1:  
the data being input into a computer on behalf of the customer;  
the instructions to purchase being input on behalf of the customer;  
the payment or promise to pay being received from the customer as explained for claim 1.

InsureMarket does not explicitly disclose

the electronic distribution includes, a document providing proof of coverage.

However, Hele discloses facilitate the electronic distribution of proof of coverage to the location of the customer(Fig. 3, units 72 and 74, paragraphs 49, 52, and 63). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include facilitate the electronic distribution of proof of coverage to the

Art Unit: 3626

location of the customer as disclosed by Hele within InsureMarket for the motivation of providing processing and underwriting of new applications for insurance over the Internet (paragraph 25).

InsureMarket and Hele do not explicitly disclose an insurance agent inputting on behalf of a customer; the printing being via a printer controlled by the insurance agent, printing at the location of the customer; and the insurance agent giving the document to the customer.

However, the Examiner takes official notice that it was well known in the insurance arts to input policy information and print a copy of a chosen policy on behalf of an insured. The motivation was to assist the insured in obtaining coverage and providing a hardcopy of the agreement accepted by the insured. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations within InsureMarket and Hele for the motivation stated above.

As to claim 12, InsureMarket discloses The method according to Claim 1, the insurance being automobile insurance (Quicken InsureMarket Home Page).

As to claim 13, InsureMarket discloses The method according to Claim 1, the insurance being specialty insurance (Quicken InsureMarket Home Page).

As to claims 15-21, 23-31 and 33-34, the claims are substantially similar to claims 1-9 and 11-13 and are rejected on the same basis.



Art Unit: 3626

5. Claims 10, 14, 22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over InsureMarket and Hele as applied to claims 1, 7, 15, and 26 above, and further in view of Chapman et al., Pub. No. 2003/0004759 (hereinafter Chapman).

As to claim 10, InsureMarket discloses The method according to Claim 7: the insurance being selected from the group consisting of automobile insurance and specialty insurance (Quicken InsureMarket Home Page). InsureMarket and Hele d not explicitly disclose the insurance providing coverage in a country other than the one in which the customer resides.

However, Chapman discloses the insurance providing coverage in a country other than the one in which the customer resides (paragraph 21). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the insurance providing coverage in a country other than the one in which the customer resides as disclosed by Chapman within InsureMarket and Hele for the motivation of saving time and realizing cost savings (paragraphs 5-7)

As to claims 14, 22, and 32, the claims are substantially similar in scope to claim 10 and are rejected on the same basis.

6. Claims 4-5, 7-8, 17-18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over InsureMarket and Hele as applied to claims 1, 15, and 27 above, and further in view of Freedman, Pub No. 2002/0002475.

Art Unit: 3626

As to claim 4, InsureMarket discloses the method according to Claim 3, the method being further configured to: pay the insurance companies premiums (How InsureMarket works).

InsureMarket and Hele do not explicitly disclose pay the insurance agents commissions.

However, Freedman discloses pay the insurance agents commissions (paragraph 103). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Freedman within InsureMarket and Hele for the motivation of providing a method of providing Insurance coverage and claims processing to customers that achieve cost savings and efficiencies over conventional methods (paragraphs 10 and 11).

As to claim 5, InsureMarket discloses The method according to Claim 4: the policy information being received via the Internet (Quicken InsureMarket Home Page); and the contracting with insurance companies being via the Internet (Quicken InsureMarket Home Page).

As to claim 8, InsureMarket discloses The method according to Claim 7, the method being further configured to:  
store the policy information(How InsureMarket works);;  
store the data(How InsureMarket works);; and  
provide customer service (Customer Service).

InsureMarket and Hele do not explicitly disclose

Art Unit: 3626

the customer service including at least notifying customers of changes in the policy information.

However, Freedman discloses the customer service including at least notifying customers of changes in the policy information (paragraph 142). ). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Freedman within InsureMarket and Hele for the motivation stated in claim 4 above.

As to claim 9, InsureMarket does not explicitly disclose The method according to Claim 8, the method being further configured to provide claims service.

However, Freedman discloses the method being further configured to provide claims service (paragraphs 123-125). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Freedman within InsureMarket for the motivation stated in claim 4.

As to claims 17, 18, and 28, the claims are similar in scope to claims 4, 5, 7, and 8 and are rejected on the same basis.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Pat. No. 5,537,315 discloses a computerized method of obtaining and issuing insurance including electronically distributing proof of coverage.

Art Unit: 3626

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", with a large, stylized loop at the end.

Alexander Kalinowski

Primary Examiner

Art Unit 3626

10/16/2004